

Message Text

LIMITED OFFICIAL USE

PAGE 01 GUATEM 03839 172308Z
ACTION ARA-14

INFO OCT-01 ISO-00 AID-05 JUSE-00 L-03 PER-01 FS-01
/025 W

-----180619Z 122911 /12

R 172230Z JUN 77
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 6441

LIMITED OFFICIAL USE GUATEMALA 3839

FOR ERICKSON GC/LA

PASS JUSTICE, ATTENTION: CIVIL DIVISION

E.O. 11652 NA

SUBJ: CABRERA CASE - USAID/GUATEMALA

1. THREAT OF LAWSUIT CONTINUES IN THIS CASE. CABRERA
CONTINUES CORRESPONDENCE SEEKING (A) REFUND OF CONTRIBUTION
TO CIVIL SERVICE RETIREMENT SYSTEM AND (B) PAYMENT OF
SEVERANCE PAY UNDER GUATEMALAN LAW.

2. MISSION HAS REPEATEDLY POINTED OUT TO CABRERA THAT
CIVIL SERVICE RETIREMENT REGULATIONS CLEARLY DO NOT, REPEAT
DO NOT, PERMIT REFUND OF CONTRIBUTIONS. CABRERA'S
ARGUMENTS TO THE CONTRARY ARE ESSENTIALLY BASED ON HIS
MISREADING OR MISUNDERSTANDING OF THE REGULATIONS AND
DO NOT APPEAR PERSUASIVE.

3. QUESTION OF CABRERA'S ENTITLEMENT TO SEVERANCE PAY
UNDER GUATEMALAN LAW, HOWEVER, HAS NOT YET BEEN
RESOLVED. MISSION CONTINUES TO SEEK OPINION FROM LOCAL
COUNSEL ON THIS SUBJECT AND MAY TAKE UP ISSUE WITH
CABRERA'S COUNSEL TO TRY TO DISUADE HIM FROM LAW SUIT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GUATEM 03839 172308Z

4. MISSION'S VIEWS ON RESOLUTION OF THE CASE DEPEND UPON
QUESTION OF SEVERANCE PAY UNDER GUATEMALAN LAW. IF IT
APPEARS CABRERA HAS A GOOD CASE FOR SUCH SEVERANCE PAY,
MISSION WOULD PROPOSE TO PAY IT IN ACCORDANCE WITH
GUATEMALAN LAW. IN THAT EVENT, HOWEVER, MISSION URGES
THAT CABRERA'S CIVIL SERVICE RETIREMENT CONTRIBUTION BE

REFUNDED AND HIS MEMBERSHIP IN THE RETIREMENT SYSTEM
BE CANCEPLED. (INTENT OF LOCAL EMPLOYEE SYSTEM IN
GUATEMALA WAS TO PROVIDE EITHER SEPARATION PAY UNDER
GUATEMALAN LAW OR CIVIL SERVICE RETIREMENT BENEFITS,
BUT NOT BOTH. CABRERA IS NOT, REPEAT NOT, SEEKING BOTH.
IMPLICATIONS FOR LOCAL PERSONNEL SYSTEM WOULD BE VERY
UNFORTUNATE IF HE WERE TO RECEIVE BOTH.)

5. MISSION STRONGLY DESIRES TO AVOID LAW SUIT IN THIS
CASE. ACCORDINGLY REQUEST ADVICE WHETHER UNDER
CIRCUMSTANCES SET FORTH IN PARA 4 REFUND OF CIVIL
SERVICE CONTRIBUTION CAN BE OBTAINED AS PART OF
COMPROMISE OF POTENTIAL LAW SUIT.
ANDREWS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GUATEM03839
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770218-0451
Format: TEL
From: GUATEMALA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770646/aaaabokj.tel
Line Count: 76
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0e0bfc7a-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2115796
Secure: OPEN
Status: NATIVE
Subject: CABRERA CASE - USAID/GUATEMALA
TAGS: CFED, GT, AID, (CABRERA)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/0e0bfc7a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009